IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CIVIL APPLICATION NO.1426 OF 2005
IN
WRIT PETITION NO.378 OF 2004

Madhukar Uttamrao Suryawanshi & ors. Applicants
vs.
The State of Maharashtra & ors. Respondents

Mr.A.V.Anturkar i/b.Mr.S.P.Pawal for the applicants.

Mr.V.P.Sawant for the respondents 2 and 3.

CORAM : R. M. LODHA &
J.P. DEVADHAR,JJ.

DATED : 17th March, 2006

P.C.

Heard Mr.A.V.Anturkar, the learned counsel for the applicants.

2. On 28th April, 2004 while issuing the rule, we rejected prayer for interim relief. What is sought to be contended by Mr.A.V.Anturkar, the learned counsel for the applicants, is that on that day nobody appeared for the petitioners and as in the connected matters Mr.M.S.Karnik, advocate appeared, his presence was shown. He would further submit that if the complete facts were brought to the notice of this Court on that day, the interim relief could not have been rejected.

3. We are not persuaded by the submission of the learned counsel for the petitioners. If nobody appeared for the petitioners on 28th April, 2004, the writ petition would have been dismissed in default. However, we find from the order dated 28th April, 2004 that the name of Mr.M.S.Karnik, advocate has been shown for the petitioners and rule was issued. Even otherwise, since in the connected matters, while issuing rule prayer for interim relief is rejected, we hardly find any justifiable ground for passing a different order in the case of the present petitioners.

4. Application is accordingly rejected.

5. However, it will be open to the petitioners to apply for expeditious hearing of the writ petition.

(R.M. LODHA,J.)

(J.P. DEVADHAR,J.)